

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASSIUS M. CLAY SR.,

Appellant,  
07 JAN 8, 10:26

VS.

TRACEY REEVES, et al.,

Appellee,

Civil Action No. 05-125 Erie

District Judge McLaughlin

Magistrate Judge Baxter

RECEIVED

JAN - 8 2007

AFFIDAVIT IN SUPPORT OF MOTION FOR ASSIGNMENT OF COUNSEL  
OF COUNSEL AND TO PROCEED I.F.P. ON APPEAL  
WEST DIST. OF PENNSYLVANIA

CASSIUS M. CLAY SR., Being Duly Sworn, deposes and says;

1. I am the Appellant in the above captioned case. I make this motion for an Order Granting Assignment of Counsel, and Granting Leave to Appeal In Forma Pauperis, and for an Order permitting the Appeal herein to be heard on the Original papers on file in the court below, without printing the same, and upon typewritten Copies of Appellant's points on Appeal, and for an Order Granting a reasonable Extension of time in which to perfect the Appeal herein.
2. On November 20, 2006, an Order was given by the Honorable Judge Sean McLaughlin, in the United States District Court of Pennsylvania for the Western District, Erie, Denying the Appellant's Motion for a Preliminary Injunction.
3. The Appellee's have, and continue to Deprive this Appellant of his Legal Materials both in this case, and in other proceedings.
4. I have no funds in which to procure Counsel, and I am without the funds to prosecute this Appeal.

5. I believe I am entitled to a reversal of the judgment mentioned on the following grounds: (1) that the District court committed a error of law in joining a third party to this action without any prior notice, and any opportunity for discovery, or questioning by the Appellant concerning there interest in this matter; (2) the District court erred in adopting an erroneous Report and Recommendation from the Magistrate Judge, in that she misunderstood the Appellant's Points concerning the Misunderstandings of the Appellee's (3) the District court committed an error of law by Utilizing the Rocker-Feldmen Doctrine to Dismiss the Appellant's case, when he did not seek to review a state administrative decision.

6. The issues inwhich I seek to Appeal, have merit, and are very complex in nature, and should be properly addressed by an Attorney.

7. Counsel is needed to protect this indigent Appellant's Constitutional rights, and prevent further imminent harm.

8. The Appellee's have, and continue to Deprive this Appellant of his Legal Materials both in this case, and in other Proceedings, which will have a very detremental effect, as they are threatening to destroy the needed material before the outcome of the proceedings, where three other cases are directly involved with the stated materials, and needed before an adverse adjudication or time-bar.

**Wherefore**, I Respectfully request that this court Grant the Motion for Assigment of counsel, and for leave to Appeal I.F.P., upon typewritten brief and appendicies, and for extension to file the Brief, and any other such relief the court may deem just.

Cassius M. Clay Sr.

CASSIUS M. CLAY SR. #DQ5954

P.O. BOX 945

Marienville, PA 16239

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASSIUS M. CLAY SR.,  
Plaintiff

VS.

TRACY REEVES, et al.,  
Defendants

Civil Action No.: 05-125 Erie

District Judge McLaughlin

Magistrate Judge Baxter

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STATEMENT OF VERIFICATION

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I verify that the foregoing is true and correct. I understand that false statements made herein are subject to the penalties of 28 U.S.C. §1746, relating to perjury.

Date: 12/22/06

By: Cassius M. Clay Sr.

Cassius M. Clay Sr.  
Inmate No.: DQ-5954  
SCI-Forest  
1 Woodland Dr.  
P.O. Box 945  
Marienville, PA 16239  
(Pro se Plaintiff)

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASSIUS M. CLAY SR.,  
Plaintiff

VS.

TRACY REEVES, et al.,  
Defendants

Civil Action No.: 05-125 Erie

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CERTIFICATE OF SERVICE

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I certify that on this 22nd day of December 2006, I submitted the original of this document to prison officials at the State Correctional Institution at Forest, by placing the same in the prison mailbox addressed as follows:

Office of the Clerk  
U.S. District Court  
Western District of PA  
P.O. Box 1820  
Erie, PA 16507

I further certify that on this 22nd day of December 2006, I served a true and correct copy of the foregoing on the parties of record, by submitting this document to prison officials at the State Correctional Institution at Forest, by placing the same in the prison mailbox addressed as follows:

Mary L. Freidline  
Deputy Attorney General  
Office of the Attorney General  
6<sup>th</sup> Flr., Manor Complex  
564 Forbes Ave.  
Pittsburgh, PA 15219

Both documents were sent U.S. First Class Mail, postage pre-paid.

Date: 12/22/06

By: Cassius M. Clay Sr.

Cassius M. Clay Sr.  
Inmate No.: DQ-5954  
SCI-Forest  
1 Woodland Dr.  
P.O. Box 945  
Marienville, PA 16239  
(Pro se Plaintiff)